



Planning Department

COUNTY OF IMPERIAL

Jurg Heuberger, AICP - Director

September 9, 1999

Todd Thompson
State Water Res. Control Board
901 "P" Street
Sacramento, CA 95814

SUBJECT: Draft Statewide Program EIR for Biosolids Land Application

Dear Mr. Thompson:

The Planning/Building Department received a copy of the proposed "Draft Statewide Program EIR Covering General Waste Discharge Requirements for Biosolids Land Application" (DEIR) on June 29, 1999, for review. This is the first opportunity for the Planning/Building Department to comment on this project. The document's "Notice of Preparation" (NOP) was sent to two (2) agencies in Imperial County, Environmental Health and the County Agricultural Commissioner, but was not sent to this Department.

The Planning/Building Department has over the years been involved in reviewing a number of proposals to apply sewage sludge or "biosolids" in Imperial County. As the "lead agency" for the environmental review of all applications made in the unincorporated areas of the County excluding Government and native Indian lands, there are numerous concerns which have been raised over the years regarding the application of biosolids on agricultural lands. Though this DEIR addresses many of these issues and attempts to eliminate them, Imperial County still is gravely concerned with the application of "human waste" on any cultivated crop. The following are our concerns related to this DEIR.

On pages ES-16 & 17, of the Executive Summary, the DEIR discusses "Public Perception and Acceptance". The very ideal of using "human waste" as soil amendment for agricultural crops, which is meant for human consumption "will" undoubtedly be perceived with negative connotations. This perception will not only be associated with those farmers who use "human waste", but, with the entire area (countywide, statewide). If you agree with the previous statements, then those farmers who use "human waste" on their agricultural crops that are intended, in anyway, for human consumption, will jeopardize the entire agricultural industry in Imperial County, which will

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undoubtedly affect the agricultural industry at the state level. If the public perceives that Imperial County's agricultural crops are being grown in "human waste", in comparison to other areas that **do not** use "human waste" as soil amendment, we are at an extreme disadvantage in the agricultural market. Furthermore, the force behind Imperial County's economy is driven by fragile agriculture resources and the many agricultural related goods/services which rely on it, which if "human waste" is utilized, our economy will be severely damaged, maybe permanently by this "public perception".

Also, the DEIR mentions that this public perception could be changed through education and research. However, Imperial County contends that the time that the public will accept of agriculture product grown in "human waste", is **years** in the future, if this sort of practice is ever accepted at all. Imperial County realizes the potential of "Biosolids Land Application" in some areas, however, we are not willing to risk our future by gambling with "human waste" land application on agricultural products.

The DEIR, Chapter 2, Program Description, "Local Programs—County Ordinances", Page 2-8, states the following:

"...Of the 58 counties in California, 16 currently have ordinances that related directly to land application of biosolids...These local ordinances are important because they restrict the areas within the State that can currently accommodate land application of biosolids, and they supercede the controls of the proposed GO where they are more restrictive..." (emphasis added).

The County Board of Supervisors has adopted an Ordinance in which any "Land application of sludge or similar "waste" material to agricultural land..." in the A-2 (General Agriculture) and A-3 (Heavy Agricultural) zones must first be approved through the County's Conditional Use Permit process.

The agricultural fields in Imperial County are generally surrounded by irrigation canals and drains and are therefore exposed to drift and windblown biosolids materials. There are at least 4,000 people in the rural areas of the County that currently use irrigation canal water for domestic use and contamination is an ever-present problem. The Imperial Irrigation District is currently attempting to get these rural users to comply with the Environmental Protection Agency's requirements for treating the water or other methods to protect the residents from possible contamination and the resultant health effects. The application of human waste will only complicate this issue and possibly result in the demise of this vital water delivery system.

Imperial County currently has over 500,000 acres of cultivated farm land. Based on the DEIR, the California State Water Resource Control Board states that both "funds and staffing will be needed to adequately administer this additional regulatory program (ES-16). How does the DEIR or CSWRCB plan on enforcing this very detailed program, which as proposed is going to require an army of technically trained (biology, chemistry, farm/ag management, engineering, etc.) individuals, in Imperial County, let alone the entire State of California's vast agricultural resources? An Environmental Impact Report, mitigations, mitigation monitoring program and even the General Order are all well and good but without adequate enforcement it does not prevent abuses or contaminations such as the waste not being processed to the right level prior to application, run-off, excess application, failure to adhere to the time period for harvesting and crop protection between applications, excess toxins and heavy metals, etc.

17-6

In Chapter 4, page 4-14, the DEIR discussed the effect on *Agricultural Lands Caused by Public Concerns about Crop Contamination from Biosolids Application*. Here, at Imperial County, we believe that "no" human waste should be used as soil amendment for agricultural products that are directly or indirectly intended for human consumption. Furthermore, we believe that if "human waste" is used at all, it should be that of a "Class A EQ" and used for silvicultural and horticultural purposes, rather than for agriculture. Biosolids or "human waste" should *never* be used for agricultural products that is intended for human consumption.

17-7

We were unable to respond to the NOP due to the lack of notice and will review the Final Statewide Program EIR and the comments the State Water Resources Control Board receives when it is finalized.

We appreciate the opportunity to review and comment on the draft document.

Sincerely,


JURG HEUBERGER, AICP
Planning Director

cc: Board of Supervisors
Richard Inman, CAO
George Poppic, County Counsel
Darrell Gardner, Planning Div. Manager
SWRCB Correspondence File
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Responses to Comments from the Imperial County Planning Department

- 17-1. The commenter notes that the NOP was sent to two county agencies, Environmental Health and the County Agricultural Commissioner; however, the Planning/Building Department did not receive a copy. SWRCB staff targeted each county's environmental health and agricultural commission offices as the locations likely to have the greatest interest in land application of biosolids. However, it is also noted that the Planning/Building Department did provide comments on the NOP.
- 17-2. The commenter expresses concerns about the overall application of biosolids on cultivated crops. No response is necessary.
- 17-3. Comment noted. Negative perception issues do exist with the use of biosolids as a fertilizer and soil amendment. The SWRCB will consider this, along with technical information in this EIR, as it makes a decision on the proposed GO.
- 17-4. Please see Response to Comment 14-7.
- 17-5. The commenter's opinions about possible biosolid contamination of irrigation canal water are noted. Setbacks established in the GO are one of the effective practices required by the GO to protect such waters. Additionally, the proposed GO has been revised to include provisions that require the incorporation of biosolids on fields that will be tilled within 24 hours in arid areas and 48-hours within non-arid areas. A prohibition has also been added to the proposed GO which states that biosolids containing a moisture content of less than 50 percent shall not be applied under the proposed GO. Because of the measures that were already included in the proposed GO and the measures that were added since the public review of the draft EIR, irrigation canals and drains should not be exposed to excessive amounts of windblown biosolids.
- 17-6. See Master Response 1 for information on SWRCB funding, staffing and enforcement of the GO.
- 17-7. The commenter's opinions about the use of biosolids for agricultural products are noted. No response is necessary.